

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VAN JENKINS,

Plaintiff,

Case No. 1:14-cv-1091

v.

Honorable Robert J. Jonker

TERRY TURNER et al.,

Defendants.

ORDER OF TRANSFER

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This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983.

Plaintiff presently is incarcerated at the G. Robert Cotton Correctional Facility, located in Jackson, Michigan. Plaintiff sues Terry Turner, Leonitta Turner, and Mark Davison, his former landlords and their agent. In his *pro se* complaint, Plaintiff alleges that Defendants violated the Americans with Disabilities Act, 42 U.S.C. § 12205, by wrongfully taking and retaining a variety of Plaintiff's personal property.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events about which Plaintiff complains occurred in Ypsilanti, Michigan, which is located in Washtenaw County. Washtenaw County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). Plaintiff makes no specific allegations about Defendants' residency, but he suggests that they are residents of Washtenaw County or an adjacent county, all of which are located in the Eastern District of Michigan. Plaintiff's allegations against these Defendants arose in Washtenaw County, where

Defendants allegedly committed the acts giving rise to this case. *See Leroy v. Great W. United Corp.*, 443 U.S. 173, 185-87 (1979). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

IT IS SO ORDERED.

Dated: November 10, 2014

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge